



In the
Indiana Supreme Court

IN THE MATTER OF THE)	
)	
APPROVAL OF LOCAL RULES)	Case No. <u>44S00-1008-MS- 450</u>
)	
FOR LAGRANGE COUNTY)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the LaGrange Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), and appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the LaGrange Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR44-TR00-9, LR44-CR2.2-10, LR44-TR79-12 and LR44-CR2.2-11, comply with the requirements of Ind. Administrative Rule 1(E), Ind. Trial Rule 79, and Ind. Criminal Rule 13, and accordingly, should be approved.

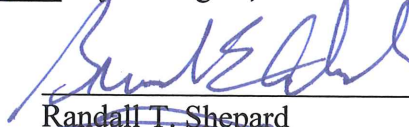
IT IS, THEREFORE, ORDERED by this Court that LaGrange County Local Rules, LR44-TR00-9, LR44-CR2.2-10, LR44-TR79-12 and LR44-CR2.2-11, set forth as an attachment to this Order, are approved effective retroactive to August 15, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. George E. Brown, LaGrange Superior Court, 105 North Detroit Street, LaGrange, IN 46761-1896; the Hon. J. Scott Vanderbeck, LaGrange Circuit Court, 105 North Detroit Street, LaGrange, IN 46761-1896; to the Clerk of the LaGrange Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the LaGrange Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 20th day of August, 2010.

A handwritten signature in blue ink, appearing to read "Randall T. Shepard", written over a horizontal line.

ACTING CHIEF JUDGE

Randall T. Shepard
Chief Justice of Indiana

LR44-AR1-9 Caseload Allocation Plan

A. Criminal, Infraction and Ordinance Violation Cases

Criminal cases shall be filed pursuant to LR44-CR2.2-1. All infraction and ordinance violation cases shall be assigned to the Superior Court.

B. Probate and Related Cases

Estate, Guardianship, Adoption and Trust cases shall be assigned to the LaGrange Circuit Court.

C. Juvenile Cases

All juvenile cases, including paternity cases, shall be assigned to the LaGrange Circuit Court.

D. Small Claims Cases

All small claims cases shall be assigned to the LaGrange Superior Court.

E. Reciprocal Support Cases

All reciprocal support cases shall be assigned to the LaGrange Circuit Court.

F. All Other Civil Case Types

Cases other than those mentioned in the preceding paragraphs may be filed in either Circuit Court or Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

G. Re-filed Cases

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

H. Caseload Review

The Judges of the LaGrange Circuit and Superior Court shall meet during the months of July and January, of each year to review the caseloads of the Courts. They shall, at those meetings, make and transfer of cases which they deem necessary to provide for the more expeditious handling of cases in LaGrange County and to help to alleviate any disparity in the Courts' caseload.

Further, the Judges shall meet to discuss caseloads and make transfers at such other times as either Judge may deem necessary.

LR44-CR2.2-10 Criminal Case Assignment

A. Initial Case Assignment.

(1) All cases arising under Indiana Code Title 9, or in the instance of cases containing multiple counts, where any of the counts arises under Indiana Code Title 9, shall be filed in the LaGrange Superior Court.

(2) All cases arising under Indiana Code 35-46-1-5 shall be filed in the LaGrange Circuit Court.

(3) Where a conflict of interest exists, or other good cause is shown, the presiding judge of either court may permit the filing of that case so as to avoid the conflict.

(4) All other criminal cases shall be filed first with the Clerk of the Court. The Clerk shall docket cases with each court by using a system of "lot" or random selection while ensuring that an equal division of the felony and misdemeanor cases exist between the Courts.

(5) In the event a cause is dismissed, it may later be re-filed in the same court.

LR44-CR2.2-11 Criminal Case Reassignment

A. Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted, or a disqualification or recusal is entered, the case shall be reassigned as follows:

(1) Circuit Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the LaGrange Circuit Court, the case shall be reassigned to the LaGrange Superior Court.

(2) Superior Court: When it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the LaGrange Superior Court, the case shall be reassigned to the LaGrange Circuit Court.

(3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned in consecutive order to the following Judges: the regular Judge of the DeKalb Circuit Court; the regular Judge of the DeKalb Superior Court I; the regular Judge of the DeKalb Superior Court II; the regular Judge of the Steuben Circuit Court; the regular Judge of the Steuben Superior Court; the Steuben County Magistrate; the regular Judge of the Noble Circuit Court; the regular Judge of the Noble Superior Court Division 1; the regular Judge of the Noble Superior Court Division 2; the regular Judge of the Elkhart Circuit Court; the regular Judges of the Elkhart Superior Court Division 1 through 6; the Magistrates of Elkhart County; and, the Senior Judges eligible to serve in the LaGrange Circuit Court or the LaGrange Superior Court.

B. Pursuant to Ind. Criminal Rule 13(D), in the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

LR44-TR79-12 Special Judge Assignment in Civil Cases

(A) Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of the other presiding judge, or eligible senior judges, for LaGrange County. If a sufficient number of LaGrange County or senior judges do not exist, then a panel shall be named including the available LaGrange County judge and eligible senior judges, and judges or magistrates from counties within the Judicial Administrative District of which LaGrange County is a member, or are from a contiguous county and have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties within the Judicial Administrative District of which LaGrange County is a member.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

(B) Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties within the Judicial Administrative District of which LaGrange County is a member.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

LR44-AR 15-11- 13

Court Reporters

LR44-AR 00-12- 14

Removal of files

LR44-FL 00-1- 15

Local Rules Relating to Dissolution of Marriage

LR44-JR 4-16 Procedure for Summoning Jurors

- (A) In accordance with Rule 4(b) of the Indiana Jury Rules, the Courts of LaGrange County hereby select the two tier notice and summons options, which permits the Jury Administrator to send the jury qualification form and notice first, and the summons to prospective jurors at least one week before service.
- (B) The Judges of the Courts of LaGrange County hereby appoint and designate the Clerk of the LaGrange Circuit Court to act as the Jury Administrator.
- (C) The Jury Administrator shall perform the duties prescribed under the Indiana Jury Rules.
- (D) The pool of jurors is to serve as a Jury pool for the Circuit and Superior Courts in LaGrange County.
- (E) As set forth in Rule 4, not later than seven (7) days after the date of drawing the names from the master list, the Jury Administrator shall mail to each person whose name is drawn a jury qualification form and a questionnaire to be completed by each prospective juror.
- (F) Further, as set forth in Rule 4, upon order of any Court, the Jury Administrator shall summon prospective jurors for service.

**LR 44-AR00-17 LaGrange County Court Drug And Alcohol
Program-Schedule of Fees**

The following fees will be assessed for participants in the Alcohol and Drug Program:

Program fee	\$350.00
Administrative fee	50.00